

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 01-0691CCC

1) **EDISON MISLA-ALDARONDO**
2) JOSE GERARDO CRUZ-ARROYO
3) JOSE IVAN RAMOS-CUBANO
4) JOSE DE-JESUS-TORO
5) ALVIN RAMIREZ-ORTIZ

Defendants

O R D E R

Upon application for Writ of Continuing Garnishment and Notice thereof filed by the United States on November 4, 2005 (**docket entry 764**), and it appearing from the records of this Court in the above mentioned case that judgment was entered by this Court against defendant Edison Mislá-Aldarondo, and that said defendant has failed to pay to the plaintiff the sum of money adjudged to be paid under said judgment;

and it appearing further that not less than thirty (30) days have elapsed since demand on the debtor for payment of the debt was made and the judgment debtor has not paid the amount due nor the impositions been stayed;

and it appearing further that the garnishee, Banco Bilbao Vizcaya, is believed to owe or will owe money or property to the judgment debtor, or is in possession of property in which the debtor has a nonexempt interest;

NOW THEREFORE, IT IS ORDERED that the Clerk of Court issue the following Writ of Continuing Garnishment addressed to Banco Bilbao Vizcaya, which shall read as follows:

“WRIT OF CONTINUING GARNISHMENT

To: Banco Bilbao Vizcaya
254 Muñoz Rivera Ave- 11th Floor
Attn: Diana Soler Rodríguez, Esq.
Hato Rey, PR 00918
ACCOUNT # 013-1090008992

An application for a Writ of Garnishment against the property of Edison Mislá-Aldarondo, defendant, has been filed with this Court. A criminal judgment has been entered against the above-named defendant on June 20, 2003, imposing an SMA in the amount of \$500.00, a fine in the amount of \$12,500.00, and a monetary forfeiture of \$147,400.

It appearing from the records of this Court in the above mentioned case that defendant Edison Mislá-Aldarondo has failed to pay to the plaintiff the sum of money adjudged to be paid under said judgment;

it appearing further that not less than thirty (30) days have elapsed since demand on the debtor for payment of the debt was made and the judgment debtor has not paid the amount due nor the impositions been stayed;

and it appearing further that you, Banco Bilbao Vizcaya, are believed to owe or will owe money or property to the judgment debtor, or are in possession of property in which the debtor has a nonexempt interest;

THEREFORE, you, Banco Bilbao Vizcaya, shall withhold and retain any property in which the debtor has a substantial non-exempt interest and for which you are or may become indebted to the judgment debtor pending further order of the Court.

You are also required by law to answer in writing, under oath, within ten (10) days of service of this writ, whether or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings. If so, you shall describe such property and the value of such interest, and describe any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt.

You shall also state the amount of the debt you anticipate owing to the judgment debtor in the future and whether the period for payment will be weekly or another specified period.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Clerk at: Federal Building, 1st Floor, Room 150, Carlos Chardón Avenue, Hato Rey, Puerto Rico, 00918. Additionally, you are required by law to serve your written answer to this writ upon the debtor Edison Mislá-Aldarondo, Schuylkill FCI, P.O. Box 700, Interstate 81 & 901 West, Minersville, PA 17954, and upon the United States Attorney, Financial Litigation Unit, Torre Chardón, Suite 1201, 350 Carlos Chardón Street, San Juan, Puerto Rico 00918.

If you fail to answer this writ or fail to withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's nonexempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against the garnishee if the writ is not answered within the time specified therein and a petition requiring the garnishee to appear is filed by the United States.

It is unlawful to pay or deliver to the defendant any item attached by this writ."

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IT IS FURTHER ORDERED that the Clerk of Court issue a Notice of Post-Judgment Garnishment, to be prepared by counsel for the United States in substantially the form provided in 28 U.S.C. Section 3202(b).

SO ORDERED.

At San Juan, Puerto Rico, on December 8, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge